IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 3033 of 2002

Between:

Shamshabad Development Committee, as represented by its General Secretary, Sri Nandi Balwanth Reddy, Shivajinagar, Shamshabad, Rangaraeddy district.

..... PETITIONER

AND

1 Mandal Revenue Officer, Shamshabad
2 Collector (Panchayt Raj Wing), Ranga Reddy district
3 Sarpanch Gram Panchayat, Shamshabad Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or orders or directing particularly one in the nature of writ of mandamus declaring the action of respondents No.1 and 2 in issuing the notification No.E1/2820/94-1, Dt.13-10-1994 and note on formation of kavvaguda Gram Panchayat which includes 443 acres of revenue land in kavvaguda Gram Panchayat as arbitrary, unjust, capricious, malafide and that which cannot be justified in the eye of law.

Counsel for the Petitioner : MR.B.KISHANLAL (not present)

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

None for the petitioner.

Shamshabad Development Committee represented by one Nandi Balwanta Reddy, is the petitioner herein. Petitioner claimed that it is an organization with a membership of 10,000 representing all the villages of Shamshabad Gram Panchayat. Petitioner is questioning the action of respondents 1 and 2 in seeking to transfer 443 acres of revenue land in Shamshabad Gram Panchayat to Kavvaguda Gram Panchayat on the basis of a notification dated 13.10.1994, as illegal and arbitrary.

In exercise of powers under Sub-sections (1) & (2) of Section 3 of read with Section 268(1) of A.P. Panchayat Raj Act, 1994, Government has framed A.P. Gram Panchayats (Declaration of Villages) Rules, 1994 (for short 'the Rules). There is a procedure laid down under the rules for bifurcation of the Gram Panchayat by re-constitution of Panchayats and for declaration of an order relating to Panchayat.

A Division Bench of this Court in M.NARASIMHA REDDY vs. GOVERNMENT OF A.P. & OTHERS (), had occasion to consider the question of challenge by individuals questioning the declaration of the village to be a part of one particular Gram Panchayt.

In view of the fact that there is other remedy available to the petitioner, there is hardly any ground to interfere in the matter, where nobody is bothered to appear for the writ petitioner when the matter came up for consideration.

The writ petition is accordingly dismissed. No costs.

DEVINDER GUPTA, CJ

Date: 6th December, 2004

M. NARAYANA REDDY, J

pnb

To

1 The Mandal Revenue Officer, Shamshabad
2 The Collector (Panchayt Raj Wing), Ranga Reddy district
3 The Sarpanch Gram Panchayat, Shamshabad Ranga Reddy District.

4 Two C.Cs. to the Government Pleader for Panchayat Raj and Rural

Development, High Court of A.P., Hyderabad. (OUT)

5 Two C.D. copies.